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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

CHRISTOPHER CANNING and ROSE
CANNING,

Plaintiffs,

v.

BARCLAYS CAPITAL REAL
ESTATE, INC. (dba HOMEQ
Servicing); MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., U.S. BANK
NATIONAL ASSOCIATION, AS
TRUSTEE UNDER
SECURITIZATION SERVICING
AGREEMENT DATED AS OF
DECEMBER 1, 2005, STRUCTURED
ASSET INVESTMENT LOAN
TRUST, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2005-11; OCWEN LOAN
SERVICING, LLC; ETS Services, LLC
(dba EXECUTIVE TRUSTEE
SERVICES, LLC); and UNKNOWN
DOES 1-100, Inclusive,

Defendants.

Case No. 8:10-cv-00435-AG-RNB

Assigned to: Hon. Andrew J. Guilford

~~PROPOSED~~ JUDGMENT

1 This matter came before this Court on July 11, 2011 for hearing on
2 Defendants BARCLAYS CAPITAL REAL ESTATE, INC. DBA HOMEQ
3 SERVICING ("HomEq"); U.S. BANK NATIONAL ASSOCIATION AS
4 TRUSTEE UNDER SECURITIZATION SERVICING AGREEMENT DATED
5 AS OF DECEMBER 1, 2005, STRUCTURED ASSET INVESTMENT LOAN
6 TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-11
7 ("U.S. Bank"); MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
8 ("MERS"); and OCWEN LOAN SERVICING, LLC ("Ocwen") (collectively
9 referred to as "Defendants") Motion to Dismiss Plaintiffs' Second Amended
10 Complaint, or in the alternative, Motion for Summary Judgment, and the evidence
11 presented having been fully considered, the issues having been duly heard and a
12 decision having been duly rendered, the court finds as follows:

13 1. The Court treats Defendants' motion as a Motion to Dismiss Plaintiffs'
14 Second Amended Complaint rather than as a Motion for Summary Judgment.

15 2. Plaintiffs have not filed an opposition to Defendants' motion. The court
16 treats Plaintiffs' failure to file an opposition as consent to the granting of the
17 motion.

18 3. Based on the Second Amended Complaint and the arguments raised in
19 Defendants' motion, the Court does not believe the deficiencies of the Second
20 Amended Complaint could be cured by an amendment. Plaintiffs have had three
21 attempts to draft their complaint.

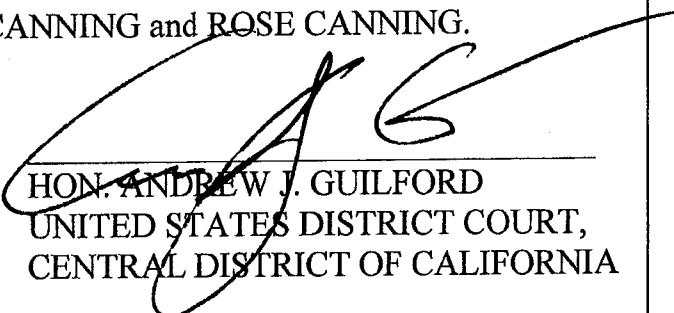
22 4. Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint is
23 GRANTED without leave to amend as to the moving Defendants.

24 5. This action is hereby dismissed with prejudice as to the moving
25 Defendants.

26 6. The preliminary injunction previously issued in this case is lifted effective
27 as of the date of this Judgment.

1 7. Judgment is entered in favor of Defendants BARCLAYS CAPITAL REAL
2 ESTATE, INC. DBA HOMEQ SERVICING; U.S. BANK NATIONAL
3 ASSOCIATION, AS TRUSTEE UNDER SECURITIZATION SERVICING
4 AGREEMENT DATED AS OF DECEMBER 1, 2005, STRUCTURED ASSET
5 INVESTMENT LOAN TRUST, MORTGAGE PASS-THROUGH
6 CERTIFICATES, SERIES 2005-11; MORTGAGE ELECTRONIC
7 ~~REGISTRATION SYSTEMS, INC;~~ *ETS Services, LLC (dba EXECUTIVE TRUST SERVICES, LLC)* and OCWEN LOAN SERVICING, LLC and
8 against Plaintiffs CHRISTOPHER CANNING and ROSE CANNING.

9
10 Dated: July 13, 2011


HON. ANDREW J. GUILFORD
UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA